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SUMMARY RECORD OF THE 1323rd MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 6 July 1994, at 10 a.m.

Chairman: Mr. ANDO

CONTENTS

Consideration of reports submitted by States parties under article 40 of the Covenant (continued)

Third periodic report of Jordan (continued)

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The meeting was called to order at 10.15 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT (agenda item 4) (continued)

Third periodic report of Jordan (CCPR/C/76/Add.1; HRI/CORE/1/Add.18/Rev.1) (continued)

1. The CHAIRMAN invited the Jordanian delegation to respond to members' questions regarding section II of the list of issues to be taken up in connection with the consideration of the third periodic report of Jordan (CCPR/C/76/Add.1).

2. Mr. ABUL-ETHEM (Jordan), replying to a question raised by Mr. Pocar, said that the function of the Council of Notables was similar to that of a Senate and that its members were appointed by the King.

3. The National Charter set out the guidelines and general principles on which Jordanian legislators based themselves in drawing up legislation. At the present time, the Charter did not have binding legal force.

4. With regard to a question by Mr. Wennergren, he said that, in elections held in 1993, the candidates had included three women, one of whom had been elected, whereas in 1989 there had been 12 women candidates and none had been elected.

5. With respect to the situation obtaining during the period of martial law, he was unaware of any case involving abuse of power by public officials. It should be noted that, with the lifting of martial law, a number of restrictions had disappeared.

6. Referring to a question put by Mr. Ndiaye, he said that in Jordan no difficulties arose with regard to freedom of religion. All citizens could accede to a position of responsibility or a public function according to their personal ability, without any restrictions based on race, religion or sex.

7. Replying to a question raised by Mr. Ban, he said that the death sentence was imposed in accordance with the provisions of the Penal Code. In the case of the most serious crimes, there was a complex procedure involving an investigation by the Prosecutor's Office and then a trial before the competent court, following which the sentence was referred to the Court of Cassation to be validated or overturned. The death penalty was applied only in cases of premeditated murder. Since the founding of the Hashemite Kingdom of Jordan, no death sentence had been carried out for any offence of a political nature.

8. There were two kinds of amnesty: a general amnesty, which was proclaimed by law, and a special amnesty, which was declared by the royal will. In Jordan, both forms of amnesty were fairly common.

9. Abortion was normally a punishable offence, but was authorized if it was carried out for reasons relating to the health of the mother. Anyone who wished to make a prison visit could do so. Any lawyer, relative or close

friend of a detainee could visit that person at the periods specified by the prison authorities. He stressed that the penitentiary system was designed to rehabilitate the detainee and to ensure his reintegration into society.

10. With regard to the question of minors, he said that the relevant legal provisions required them to be kept in special institutions and not brought into contact with other detainees.

11. Referring to the case of a person accused of plotting against King Hussein, he said that every possible measure had been taken to ensure the rights of the defence. The case was currently before the Court of Cassation. In that connection, it must be pointed out that no confession or evidence which appeared to have been obtained under duress would be taken into consideration.

12. In response to a question raised by Mrs. Evatt concerning two persons said to have been held in detention for 16 years under sentence of death, he said that the information she had been given was incorrect. The two death sentences that had been handed down during the current year and confirmed by the Court of Cassation could only be carried out following ratification by the King in the form of a royal decree. He wished to emphasize that one of the two cases involved a particularly horrific crime - the rape and murder of an 8-year-old boy.

13. There were no political prisoners in Jordan, and to his knowledge there had never been any cases of persons being detained on political grounds. However, he would take steps to obtain further information on the subject on his return to Jordan.

14. A further question had been raised concerning the validity of evidence given by women before the religious courts. All evidence given in Jordanian courts was assessed impartially, regardless of the sex of the individual testifying.

15. In reply to a question by Mr. El Shafei, he said that appeals against sentences handed down by the Court of State Security could be lodged with the Court of Cassation, which had the power to quash such sentences. A death sentence would become final only after all avenues of appeal had been exhausted, and even then there remained the final safety valve of possible pardon by royal decree.

16. A question had been asked regarding the Centre for Freedom, Democracy and Human Rights: since the Bill establishing the Centre had not yet become law, he was unable to say whether it would be a governmental or non-governmental institution.

17. In reply to Mr. Wennergren, he noted that the period for which an individual could be detained without charge was defined in the Code of Criminal Procedure. Neither the Public Prosecutor nor the Attorney General himself could extend that period without proper legal justification. No person could be held in detention indefinitely, such detention being regarded as an infringement of the rights of the individual. In cases where a person

was detained without due legal cause, the Supreme Court had the power to annul the decision and to award compensation for both material and moral damage suffered.

18. He had already provided clarification regarding the arrest and detention of certain members of the so-called "Liberation Party" who had sought to attack King Hussein.

19. In reply to a question raised by Mr. Bruni Celli, he said that military courts had now been abolished in Jordan. The practice of torture was a crime, and anyone found guilty of it would be prosecuted and brought to trial. Confessions obtained under duress, either by torture or by other violent means, were inadmissible.

20. The CHAIRMAN invited the Jordanian delegation to respond to the questions in section III of the list of issues, which read:

> "III. Freedom of religion, expression, assembly and association, political rights and rights of persons belonging to minorities (arts. 18, 19, 21, 22, 25 and 27)
>
> (a) Please comment on the main differences in the status of Islam and other religious denominations.
>
> (b) Has the draft Press Act referred to in paragraphs 10 and 24 of the report been adopted? Please elaborate on any remaining limitations on the freedom of the press and mass media that the law condones.
>
> (c) Please provide information on the situation in law and practice with respect to the existence and functioning of political parties and trade unions in Jordan.
>
> (d) Has the draft Political Parties Act referred to in paragraphs 11 and 37 of the report been adopted?
>
> (e) What measures have been taken to guarantee the rights set forth in article 27 of the Covenant?"

21. Mr. ABUL-ETHEM (Jordan), replying to question (a), said that the religion of Islam had many things in common with Christianity and Judaism. According to its tenets, the human rights of all should be safeguarded, all should have equal access to justice, and the well-being of all, regardless of race, colour or community, should be secured. In Islam there was no division between Church and State, and hence in many countries of the Islamic world Islamic precepts were incorporated into national law.

22. In reply to question (b), he said that the draft Press Act had now become law. Article 3 of the Act established the principle of freedom of the press, and provided that every Jordanian citizen was free to express his views both orally and in writing, as well as through photography, the graphic arts and the mass media. Article 4 of the Act laid down that the press was free to carry out its role of presenting information, news and comment, and that it

was free to disseminate ideas, culture and knowledge within the limits laid down by law and within the framework of respect for the rights of others, notably respect for the privacy of the individual. Article 6 of the Act provided that both individuals and political parties had the right to own and publish newspapers. Article 8 stipulated that publishing of all kinds should be governed by respect for truth, for freedom of opinion and expression and for the public's right to information. Finally, the Act provided that anyone who had reason to believe that his human rights had been violated as a result of press articles could appeal to the Court of Cassation, a recourse which had not been provided for under previous legislation.

23. Turning to questions (c) and (d), he said that pluralism made for a healthy, competitive atmosphere in which the activities of duly constituted parties were accorded due protection under the law, the Court of Cassation serving as guarantor of that protection. In an earlier statement, he had described how the Court had overturned, as contrary to the spirit of the Constitution and as a limitation on public freedoms, a ban by the Minister of the Interior on pre-election meetings. Similar rulings could be made available to the Committee if it so wished.

24. There were 22 political parties in the country, vying with each other in an attempt to respond to the people's aspirations. Even unsuccessful candidates had commended the integrity, independence and impartiality of the authorities responsible for organizing elections. The political parties were very active, holding meetings and conferences on many topics; most were licensed to publish daily or weekly bulletins or newspapers.

25. Trade unions were active in both the professional and the political arenas; their functioning was regulated by a basic law, and they were grouped together in the General Federation of Jordanian Trade Unions. Participants in the debate on draft laws, they made their voices clearly heard, and had played an especially important role in the preparation of the recently adopted Sales Act. They were also responsible and staunch defenders of human rights, and the Government valued their questions and inquiries in that domain.

26. On article 27 of the Covenant and the rights of minorities - the subject of question (e) - he first explained that ethnic minorities of Muslim faith, notably Circassians and Shishan, and religious minorities, mainly comprising a variety of Christian orders, accounted respectively for 2 per cent and 6 per cent of the population. Both groups enjoyed full cultural and religious rights. The national languages of the ethnic minorities were taught in clubs and societies, and the State encouraged the manifestation of their own music, dance, folklore and song through cultural institutions. The Christian minorities enjoyed freedom of worship and religious practice; Christian civil servants were accorded leave to celebrate their religious holidays; there were Christian schools - some also attended by Muslim pupils - throughout the country; and Christian children also attended State and Islamic schools. Those were just a few examples of the manner in which the rights of minorities were guaranteed in practice.

27. Jordan was a country whose limited resources, capabilities and potential were placed under the strain of economic difficulties, including the stress of coping with successive waves of refugees with little advance notice and scant

assistance from elsewhere. At the same time, the country considered itself to be rich in promise - its people, as the King had declared, being its most precious resource. Jordan had conscientiously embarked on the road to democracy and political pluralism, which it conceived as goals to be realized and not merely slogans. In that endeavour, the dialogue with the Human Rights Committee was greatly appreciated; members' comments would be communicated to the national authorities and be given serious consideration.

28. Mrs. EVATT observed that, notwithstanding the evident progress made in Jordan towards democracy, some grey areas remained which it was the Committee's duty to investigate. As an example, and with particular reference to its articles 8 and 9, she remarked on the somewhat vague formulation of the Press Act and inquired whether it might not be difficult to circumscribe offences against its provisions or to determine whether breaches had occurred that justified prosecution.

29. Welcome progress towards pluralism had undoubtedly been made with the enactment of the Political Parties Act, but its provisions could lend themselves to narrow and restrictive bureaucratic interpretations. It was not her contention that registration had been denied to any party, and she noted that in any event refusal could be appealed against; but she asked, in the hypothetical case of registration being refused and an appeal lodged, whether the Court would refer to articles 16 (ii) and (iii) of the Constitution or to article 22 of the Covenant in deciding the parameters of that Act.

30. More generally, and in regard to the legislative powers conferred by the Constitution, she noted that the Senate, which was an appointed body, appeared to have power equal to that of the House of Representatives. Would that not enable the former to block legislation brought forward by the latter? She noted from the National Charter and from paragraph 37 of the core document that certain legislative powers concerning the regulation of government activities, procurement and the civil service, currently vested in the Council of Ministers, were due to be restored to the National Assembly, and asked whether that had been done.

31. Lastly, she inquired whether access to the military forces was open to all elements of Jordanian society, and whether what she understood to be the predominantly Bedouin make-up of those forces at the present time might not be a source of tension.

32. Mr. PRADO VALLEJO noted with concern recent cases of punitive action against certain journalists in Jordan for their remarks on the functioning of organs of the State. The State's virtual monopoly of the media must make criticism or the expression of anti-government views difficult enough; surely fair comment was in order? He asked whether censorship was practised in relation to comment on political affairs, and whether the distribution of newspapers could be restricted; if so, for what reasons? Further noting that the Jordanian Press Act contained a number of restrictive clauses, including the requirement of licensing, refusal of the confidentiality of journalistic sources and the interdiction of writing about parliamentary procedure or about the Royal Family, he submitted that there was room for further improvement as far as the freedom of expression was concerned.

33. Turning to the issue of religious freedom, he remarked that refusal by the State to register or recognize a religious group could prevent it from owning property or administering schools. Questioning the need for such registration in the first place, he sought the assurance that refusal could be appealed against. He knew that the constraints imposed on Baha'is in particular had been eased, but wished to point out that they were still denied certain basic rights.

34. "Apostasy" was perhaps a harsh term to describe conversion from Islam; but he was less concerned about semantics than about the withdrawal of various rights that sanctioned such an act.

35. Conscientious objection against conscription into the armed forces and the right to an alternative to military service were increasingly acknowledged in the modern world. In Jordan, however, such was by no means yet the case; he asked whether the time had not come for a review of the situation. Finally, he inquired whether there were any political prisoners in Jordan.

36. Mr. BRUNI CELLI thanked the Jordanian delegation for its detailed reply to question (e) and welcomed the State's recognition of the existence of religious and ethnic minorities. However, he was rather surprised that the report made no reference to article 18 of the Covenant, which was especially relevant to the situation of religious minorities, particularly since the Committee had recently issued general comment 22 on that very article. Paragraphs 9 and 10 of the general comment laid emphasis on the need for practical measures to be taken by States parties to protect the members of religious minorities against discrimination. He would welcome further information in that connection, particularly with regard to the situation of schoolchildren as well as that of "apostates", namely Muslims who converted to another religion. Lastly, he inquired what steps the Jordanian authorities had taken to prevent religious discrimination on the part of government officials as well as the public at large.

37. Mr. MAVROMMATIS endorsed the comments made by previous speakers regarding article 18 of the Covenant. In the light of the dialogue with the Committee and of general comment 22, it should be clear to the Jordanian authorities that the current policy regarding religion and religious minorities violated the provisions of the Covenant, for in Jordan a distinction was drawn between officially recognized and other religions, whereas article 18 of the Covenant sought to protect theistic, non-theistic and atheistic beliefs, as well as the right not to profess any religion or belief. While recognizing the progress achieved in that field in recent years, he looked forward to further improvement, particularly in the situation of the Baha'is and "apostates", hopefully in time for the submission of Jordan's fourth periodic report.

38. Mr. BAN said he was pleased to note that, since the submission of Jordan's third periodic report, both the Press Act and the Political Parties Act had been adopted by the National Assembly, which he regarded as a good indication of a sound democracy. In general, the restrictions on freedom of expression laid down in the new Press Act seemed acceptable and in keeping with article 19, paragraph 3, of the Covenant, but a number of its provisions required further clarification. It was his understanding that the prohibition on founding a newspaper or publishing an article could subsequently be

contested in a court of law. However, he wondered why such petitions had to be referred directly to the Court of Cassation instead of to a court of first instance. Furthermore, was the founding of a newspaper subject to any licensing procedures and were there any restrictions on foreigners in that regard? In the event of a licence not being granted, was there any possibility of appeal? According to paragraph 36 of the report, in the interests of national security the financial resources of newspapers were monitored during a state of emergency to prevent the receipt of foreign funds. He inquired whether such controls existed under the new Press Act. Moreover, the State appeared to hold a monopoly on the television and radio networks. Was it in fact possible for individuals to set up and operate private channels? Lastly, he inquired how many of Jordan's 22 political parties were represented in the lower house.

39. Mr. HERNDL thanked the Jordanian delegation for the additional clarifications provided, particularly since both the second and third periodic reports had many lacunae concerning the rights protected by articles 18-22, 25 and 27 of the Covenant - essential information for the Committee when assessing the human rights situation in the reporting country. Regarding article 18, and in particular freedom of religion, he drew attention to a serious discrepancy between articles 2 and 14 of the Jordanian Constitution and sought clarification in that regard. Moreover, he noted that Baha'ism was still not recognized as a religion in Jordan, and although efforts had been made in 1993 to alleviate the discrimination against the Baha'i minority in the country, reports indicated that further improvements were necessary. With regard to the rights of freedom of expression and freedom of assembly, he expressed concern regarding articles 15 and 16 of the Jordanian Constitution respectively, according to which such rights would be guaranteed by the State "within the limits of the law". That very general provision was not in keeping with article 19 of the Covenant, which specified the grounds for imposing certain restrictions on those rights. As to the new Press Act, he drew attention to a serious limitation in article 10 whereby newspapers were unable to receive any financial support from foreign concerns. Regarding article 27, he endorsed Mr. Bruni Celli's remarks concerning the situation of minorities and especially the Baha'i community. Lastly, he noted the remarkable progress made by Jordan since the submission of its second periodic report. In particular, he welcomed the swift introduction of new legislation, which augured well for the future of the nation, since without proper legislation it was difficult to ensure respect for human rights - the prerequisite for a true democracy.

40. Mr. WENNERGREN endorsed the remarks made by previous speakers regarding freedom of expression and freedom of religion in Jordan. Referring to article 15 (ii) of the Jordanian Constitution, he expressed concern regarding possible infringements of freedom of the press in Jordan, depending on how far that provision was applied. On the basis of the information available, it appeared that the criminalization of defamation was very far-reaching in Jordan. He therefore inquired whether the provisions relating to criminal defamation had been amended in the new Press Act and, if not, whether there were any prospects of such amendment in future with a view to guaranteeing greater openness and democracy in Jordanian society.

41. The CHAIRMAN invited the Jordanian delegation to answer members' queries regarding the new Press Act, freedom of expression and the mass media, political parties and the situation of minorities in Jordan.

42. Mr. ABUL-ETHEM (Jordan) endorsed Mr. Herndl's comments regarding the importance of enforcing relevant legislation. On the basis of his personal and professional experience in public office and as a member of the judiciary, he confirmed the Jordanian Government's keen interet in all aspects of human rights. Although laws were sometimes violated by ordinary citizens and government officials alike, he assured the Committee that the majority of offenders would eventually be brought to justice.

43. With regard to concerns expressed regarding freedom of religion, he stressed that there was no religious discrimination whatsoever in Jordan. For instance, 4 of the 10 judges in the Court of Cassation were Christians. Likewise, Christians were employed in other State institutions. The right of individuals to manifest their religious beliefs was respected. As to education, there were ample public and private facilities for both Christian and Muslim children in the Kingdom of Jordan. His own children attended a convent school, and he did not know of any problems experienced by Muslims in integrating in Christian establishments or vice versa. Members of even the smallest religious minorities were allowed to practise their faith in their own place of worship. In a recent interview, the Minister of the Interior had stated that there were only 200 Baha'is in the Kingdom of Jordan. They were not treated differently on account of their religious beliefs, but were regarded as Jordanian nationals like persons belonging to other minorities such as the Chechens and the Armenians. All Jordanian citizens were able to exercise their fundamental rights, irrespective of sex, ethnic origin, colour or religion. He questioned the allegations that members of the Baha'i community experienced difficulty in purchasing property, for no racial, ethnic, religious or gender restrictions were imposed on property. Confirming that the press was not allowed to receive financial assistance from foreign concerns, he said that was a measure deemed necessary by the State and was not considered as an infringement of the freedom of the press.

The meeting rose at 1.05 p.m.